UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA
BY

UNITED STATES OF AMERICA Plaintiff,	**Magistrate Docket No.** '08 MJ 2723
v.	**COMPLAINT FOR VIOLATION OF:**
(1) William Manuel PADILLA (2) Anthony Michael TIBBS Defendants	8 USC 1324(a)(2)(B)(ii) Bringing in Alien(s) For Financial Gain (Felony) 18 USC 2 Aiding and Abetting (Felony)

The undersigned complainant being duly sworn states:

COUNT ONE

That on or about September 3,2008, within the Southern District of California, defendants (1) William Manuel PADILLA and (2) Anthony Michael TIBBS, knowingly and intentionally, did transport or attempted to transport within the United States, or aided and abetted in transporting within the United States, aliens, namely Maria GARCIA-ARIAS, Julian GALEANA-GUIZAR and Cesar BONILLA-MONTIEL, who had not received prior official authorization to come to, enter and remain in the United States, by means of transportation or otherwise, in furtherance of such violation of law did willfully bring to and attempt to bring to the United States such aliens, a felony, in that the defendant committed the offense for the purpose of commercial advantage and private gain in violation of Title 8, United States Code Sections 1324(a)(1)(A)(ii) and (a)(1)(A)(v)(II) and Title 18, United States Code, Section 2.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Signature of Complainant

Michael P. Rich, Task Force Officer
U.S. Immigration and
Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 4th DAY OF SEPTEMBER, 2008.

UNITED STATES MAGISTRATE JUDGE

9/3/08

Statement of Facts

These facts are based on my personal participation in this investigation and on written and oral statements received from other law enforcement officers. I submit that the facts contained in this statement demonstrate that the probable cause exists to believe that the Defendants named in the attached complaint committed the crimes charged in the complaint.

The complainant states that he believes that, Maria GARCIA-ARIAS, Julian GALEANA-GUIZAR and Cesar BONILLA-MONTIEL, are citizens of a country other than the United States; that said aliens have admitted that they are deportable as defined in Title 8, United States Code, Section 1229(c); that it is impractical to secure their attendance at the trial thereof by subpoena; and that they are material witnesses in relation to this charge and should be held or admitted to bail as prescribed in Title 8, United States Code, Section 1227(d).

On September 3, 2008 at approximately 0307 hours the United Sates Customs and Border Protection Marine Interdiction Agents encountered a vessel on the Pacific Ocean near the entrance of Mission Bay, in San Diego, California. While conducting a document check on the vessel Marine Interdiction Agents contacted the operator later identified as William PADILLA, and a second subject later identified as Anthony TIBBS. Marine interdiction Agents boarded the vessel to conduct a customs document check and discovered 13 individuals crammed inside the cabin space. All subjects inside the cabin space were determined to be undocumented aliens from Mexico.

All the subjects from the vessel were placed under arrest and transported to the Imperial Beach Border Patrol station for processing and further questioning.

At the Imperial Beach Border Patrol station Agents from the ICE Marine Task Force questioned all subjects and determined that the undocumented aliens left Rosarito, Mexico in a Mexican fishing vessel known as "pangas". They were then transported to a location off the coast of the "Islas de Coronado" where they met and boarded the vessel they were encountered in. Material Witness stated that PADILLA and TIBBS assisted them boarding CF06944RL from the pangas. The material witnesses were placed inside the cabin space where they remained until encountered by the Marine Interdiction Agents. Agents detained the 14 persons on board and obtained preliminary statements. All persons that were concealed in the cabin were citizens of Mexico and in the United States illegally. All fourteen occupants claimed to be citizens of Mexico with no documents or other documentation to enter or remain in the Unites States.

Occupants of the vessel identified William Manuel PADILLA from a photo array as the driver of the vessel during witness interviews, and Anthony Michael TIBBS as the vessel crewman. Each smuggled alien stated that he/she was going to pay a fee (between $1000 and $5000) to be smuggled into the United States aboard the vessel.

Post Miranda, William Manuel PADILLA admitted that he was going to be paid money to bring the undocumented aliens from Mexico to the United States aboard the vessel and that Anthony Michael TIBBS was acting as a crewman and was navigating on the trip.